

**BIRMINGHAM TOWNSHIP
BOARD OF SUPERVISORS MINUTES
OCTOBER 7, 2019**

The regular meeting of the Board of Supervisors was called to order at 7:30 PM in the Township Building by Chairman Boorse with the pledge of allegiance. A quorum of Supervisors was declared.

Scott Boorse	-	Chairman
Michael Shiring	-	Vice-Chairman
J. Daniel Hill	-	Supervisor
Thomas Oeste	-	Township Solicitor

ORDINANCE HEARING TO AMEND CHAPTER 101 FOR HIGH TUNNELS

A hearing to consider an ordinance to amend Chapter 101, Stormwater Management, Section 101-202 to define a “high tunnel” and Section 101-106 to exempt certain high tunnel facilities from the requirements of the ordinance, was duly advertised in the Daily Local News on September 23rd.

Solicitor Oeste provided the following exhibits for the hearing:

B-1 Proof of publication in the Daily Local News on September 23rd.

B-2 September 19th e-mail to the Chester County Law Library with a copy of the ordinance

B-3 September 19th e-mail to the Daily Local News with a copy of the ordinance

Act 167 is the County-wide Stormwater Management Plan for Chester County. In April 2018, the Pennsylvania General Assembly passed Act 15 of 2018 which amended Act 167 to require all municipalities with Act 167 ordinances to amend their ordinances to provide an exemption for “high tunnels” used in agricultural applications from ordinance regulations. The “high tunnels”, which are agricultural hoop like structures, are exempt from the ordinance requirements if the tunnel or the flooring does not result in an impervious area exceeding 25% of all structures located on the property owner’s total contiguous land area.

Vice-Chairman Shiring moved to adopt Ordinance 2019-01 to comply with Act 167 amendment requirements for high tunnels, to amend Chapter 101, Stormwater Management. Supervisor Hill seconded the motion and the ordinance amendment was unanimously approved.

REGULAR MEETING

Vice-Chairman Shiring moved to approve the September 9, 2019 minutes as written. Chairman Boorse seconded the motion and the minutes were unanimously approved.

Vice-Chairman Shiring moved to approve the bills submitted for payment since the last meeting. General Fund bills totaled \$110,044.12. Sewer Fund bills totaled \$56,248.37. Chairman Boorse seconded the motion and the bills were unanimously approved.

585 WINTURFORD DR./TERRASOL ENERGIES/ZHB APPLICATION

Rob Santoleri of TerraSol Energies was present on behalf of Martin Young, property owner, for a special exception pursuant to Section 122-105.8B(1) in order to erect rooftop mounted solar arrays at 585 Winturford Drive. The Zoning Hearing Board will be considering the application on October 16, 2019. Mr. Santoleri said he had previously been before the Township on other applications and he was familiar with and would comply with the ordinance requirements. The solar panel would be mounted on the southeastern rear side of the house on the pitched shingled roof below the ridgeline. The panels will not be visible from the road.

Vice-Chairman Shiring moved to take a non-position on the application and to defer to the expertise of the Zoning Hearing Board. Supervisor Hill seconded the motion which was unanimously approved.

HARB REPORT

At its meeting on September 17th, HARB reviewed and recommended that Certificates of Appropriateness be issued for the following applications:

LOGUE/931 STONEY RUN DR./STUCCO REMOVAL

HARB recommended that a Certificate of Appropriateness be issued to Tom Logue, 931 Stoney Run Drive, for the removal of stucco on his house located at 931 Stoney Run Drive. The stucco will be replaced with Hardie Plank lap siding, color Timber Bark, with a faux wood finish. The arched windows will be removed in the master bedroom and the bedroom above the garage. All trim will be white and the shutters will be black. The existing front door will be replaced with a raised panel door featuring two side lights as well as an arched window on top. The door will be painted the same shade of red that is on the existing door. The roof will be replaced with “Weathered Wood” shingles, with white downspouts and gutters.

Brian Troupe of Duke Renovations was in attendance to answer any questions.

Vice-Chairman Shiring moved to approve the Certificate of Appropriateness for Mr. Logue for the replacement of stucco on his house at 931 Stoney Run Drive. Supervisor Hill seconded the motion which was unanimously approved.

LUCAS/1014 WYLIE RD./STUCCO REMOVAL

HARB recommended that a Certificate of Appropriateness be issued to Mark Lucas for the replacement of stucco on his house located at 1014 Wylie Road. Stucco will be replaced with Hardie Plank faux wood textured siding, color Cobblestone, with white trim and shutters and a dark green door.

Mr. Lucas apologized to the Board for starting work on the repair without realizing the HARB requirements. He had recently moved into the house less than two months prior. The house was not weather tight and the work had been started before receiving the Township’s letter on the HARB requirements.

Chairman Boorse moved to approve the Certificate of Appropriateness for Mark Lucas, 1014 Wylie Road, for stucco replacement. Vice-Chairman Shiring seconded the motion which was unanimously approved.

MORINA/1102 DANIEL DAVIS LN./SHED

HARB recommended that a Certificate of Appropriateness be issued to Arben Morina for the placement of a shed on his property at 1102 Daniel Davis Lane. The 10' x 16' shed will feature tan vinyl siding to match the house, with white trim and black shutters. The 5' hinged double fiberglass doors will be painted white, as will a single 36" door which will also contain an 11-light glass insert. Roof shingles will be charcoal.

Mr. Morina said that the shed will be located to the left rear of the property; behind the driveway; in front of the playground set; and near a group of trees. Mr. Morina showed the Board a plan with the location of the shed identified.

Mr. Morina discussed possibly painting the door a color other than white. He was advised that the door needed to be painted the color approved. Mr. Morina said he will keep the door white.

Supervisor Hill moved to approve the Certificate of Appropriateness for Arben Morina for a shed as recommended by HARB with the addition to the Certificate that the shed will be located behind the driveway area to the left rear of the house; in front of the playground set. Vice-Chairman Shiring seconded the motion which was unanimously approved.

HARB & HISTORICAL COMMISSION RECOMMENDATIONS/1388 WILMINGTON PIKE/BOB RAFETTO/SMOKER SHED

At its meeting on September 18th, HARB considered an application from Bob Rafetto for a pitched shed on the Inn Keeper's Kitchen property at 1388 Old Wilmington Pike. The pitched shed is already on the property and is 10'3" high in the front, pitching down to 9'3" high in the back with an 18" wide smoke stack projecting 6'8" above the rooftop. The shed's dimensions are 10'6" long x 5'8" wide. The roof is a classic rib steel in brown to match the roof on the Inn Keeper's Kitchen. The aluminum flashing will also be brown. LP Smartside Panel Siding is hung vertically, secured to 2 x 4 stud framing and stained with Behr's solid stain color "Woodchip" to match the Inn Keeper's Kitchen. The trim is Behr's solid stain color "Yellow Cream". The application was for a temporary structure for use at the October 13th Wine Festival but the applicants would not commit to a date for its removal.

HARB voted two in favor and two opposed to the application. Those in opposition stated that the vertical siding, shed roof and smokestack were contrary to HARB guidelines and the dates requested for the temporary structure were not stated.

At its meeting on September 24th, the Historical Commission reviewed the application for the temporary smoker structure. The Historical Commission approved the use of the temporary smoker oven with the shed for the October 13th Wine Festival. The applicant was requested to return to the October Historical Commission meeting for further review for a final recommendation.

There was no one in attendance for the application. Much discussion ensued on the temporary and permanent status of the structure and the fact that the applicant would not commit to a time period for the temporary structure.

William Kirkpatrick, General Weedon Drive, felt that the smoke and smell from the smoker oven on a permanent basis would be a public nuisance.

Vice-Chairman Shiring stated that the HARB application specifically requests the smoker on a temporary basis and on a permanent basis it does not meet the HARB guidelines.

Chairman Boorse also expressed an issue with the aesthetics of a smoker oven.

The Board felt they could not make a decision based on the application received and without knowing the applicant's long-term plans for the structure.

Vice-Chairman Shiring moved to deny a Certificate of Appropriateness to Bob Rafetto for a temporary smoker shed for 1388 Old Wilmington Pike (Inn Keeper's Kitchen property) as requested in the application. Chairman Boorse seconded the motion which was unanimously denied.

WWTP **LINING REPAIR PROJECT**

Sewer Administrator William Kirkpatrick reported to the Board that the 8" ductile iron pipe sewer between manhole #7 and manhole #6, which is located in an easement on the Holiday Inn Express property, was recently cleaned and found to have several holes which were repaired under an emergency repair project in order to stop the enlargement of the holes and to prevent sewage from escaping into the environment. Not doing the repair timely could have threatened the structural integrity of the pipe.

Subsequent to the repair, the Township Engineer, AECOM, requested proposals from three contractors to install a cured in place pipe lining on the interior of the pipe. There are few contractors that do this specialized work.

One proposal was a courtesy proposal of \$45,000. from Am-Liner East but work could not be done until 2020. A second proposal was received from Abel Recon for \$23,460. This was the lowest proposal, but work could not start until the end of the year because they use a European technology and the liner material must be ordered and shipped from Europe. There have also been documented liner failures from this procedure. The third proposal received was from Standard Pipe Services (SPS) for \$33,060. SPS can start the work within two weeks. AECOM is recommending the proposal from SPS since it is the most responsive bid with the ability for a quick installation with low risk of failure.

Specifications for the work to be performed had been provided by AECOM. The Board felt that these specifications should be included in the SPS proposal. A five year warranty for the work was included in the SPS proposal but the Board felt that specifics on the warranty should be clarified.

Vice-Chairman Shiring moved to award the proposal for the emergency work for relining of 310 feet of 8" ductile iron pipe between manhole #7 and manhole #6 of the sewer line, in order to stop the enlargement of the holes in the ductile iron pipe, to SPS for \$33,060. with assurance from SPS that the proposal meets the specifications for the project as submitted by AECOM and with more specifics on the five year warranty identified. Chairman Boorse seconded the motion which was unanimously approved.

Pratap Kesarkar, 1370 Old Wilmington Pike, asked for clarification on two emergency work projects for the sewer plant? Mr. Kirkpatrick explained that the first emergency repair was a blockage in the pipe which was investigated by video. The video couldn't get all the way through the sewer line because a section of the pipe had collapsed resulting in the need for the second emergency project to line the pipe.

SEWER RENT PROCEDURE

The Township has recently sent several delinquent sewer bills to the Township Solicitor for collection. Solicitor Camp advised adoption of a resolution to establish a procedure for the collection of delinquent sewer fees, which is a similar procedure used in other townships.

The resolution identifies the following:

1. The sewer bill is delinquent and subject to a penalty of 10% plus an interest rate of 12% per annum compounded monthly on any bills not paid by the last day of the month the bill is dated.
2. The Township will send a letter to any property owner that fails to pay the quarterly bill for two consecutive quarters which outlines the collection process.
3. If the delinquent balance is not paid (or a payment agreement arranged) within 30 days from the date of the Township letter, the delinquent account will be sent to the Township Solicitor for collection
4. Failure to pay the delinquent sewer bill from collection by the Township Solicitor will result in a municipal lien being filed on the property and the property will be re-liened on an annual basis if no attempt at payment is made.
5. A sewer bill that is delinquent for more than four quarters, or when the balance is a minimum of \$2,000., whichever is less, can result in a Writ of Scire Facias filed with the Prothonotary's Office of the Court of Common Pleas by the Township Solicitor.

Vice-Chairman Shiring moved to adopt Resolution #2019-1007 to establish the procedure for the collection of delinquent sewer fees. Chairman Boorse seconded the motion which was unanimously approved.

POLICE REPORT

Chief Nelling reported for the month of September. There were 1,077 incidents including nine criminal arrests. There were 8,148 patrol miles logged on the vehicles during the month.

Chief Nelling stated that there had been several break-ins at local parks in West Goshen, and one recently at Sandy Hollow Park, where valuables were taken (money and credit cards). The

break-ins are being done by women and are occurring during daylight hours. Chief Nelling recommended that any valuables be left at home or put in the trunk of the vehicle.

Chief Nelling said that Part-time Police Officer William Reppert had completed his training and recommended a salary increase to the first level for patrolmen @ \$22.00/hr. Chairman Boorse moved to approve the salary increase for Officer Reppert to \$22.00/hr. effective October 7th. Supervisor Hill seconded the motion which was unanimously approved.

OFFICE PERSONNEL

Sect./Treas. Nelling said that Cat Rafter had been hired in May after graduating from West Chester University to work on consolidating files by UPI numbers. Cat is smart and creative and she has been able to find and fix address discrepancies. This job has taken on a life of its own with a lot of unexpected nuances discovered. Cat has also professionally responded to resident calls and questions without getting rattled. She also recognizes a need to step in and help with a situation when it arises. Cat has also been trained to do deposits; permits and payables in order to help during a busy office day or to fill in for Kim Schmelzer as needed. After the last Township meeting Mrs. Nelling discussed a wage increase for Cat Rafter with the Board.

Chairman Boorse moved to confirm a raise increase for Cat Rafter from \$15./hr. to \$18./hr. effective September 9th. Vice-Chairman Shiring seconded the motion which was unanimously approved.

PUBLIC COMMENT

There was no public comment.

The meeting was adjourned at 8:33 PM. (MTS;SCB)

Respectfully submitted,

Quina Nelling
Secretary/Treasurer

Check Register**BIRMINGHAM TOWNSHIP**

23-Sep-19

Check No	Check Date	Vendor No	Vendor Name	Check Amount
TRUMARK GENERAL FUND				
20056	9/23/2019	1001926	AJ BLOENSKI, INC.	\$161.00
20057	9/23/2019	529	CHRISTY MOBILE	\$100.00
20058	9/23/2019	114	FRONFIELD CRAWFORD. JR. LL	\$460.00
20059	9/23/2019	422	HARRY TILLMAN AUTOMOTIVE L	\$52.99
20060	9/23/2019	517	INDEPENDENCE BLUE CROSS	\$5,321.51
20061	9/23/2019	402	NATIONAL FIRE PROTECTION AS	\$445.00
20062	9/23/2019	3	PA TWP HEALTH INS COOP TRU	\$28.35
20063	9/23/2019	30	PECO ENERGY (TRAFFIC LIGHT)	\$50.62
20064	9/23/2019	171	REILLY & SONS INC.	\$838.88
20065	9/23/2019	507	ROTHWELL DOCUMENT SOLUTI	\$167.18
20066	9/23/2019	424	UNITED STATES POSTAL SERVI	\$300.00
20067	9/23/2019	1002154	VERIZON 250-441-074-0001-11	\$54.88
20068	9/23/2019	1001913	VERIZON WIRELESS 722423083	\$190.60
Bank Totals:				\$8,171.01
Total Of Checks:				\$8,171.01

Check Register

BIRMINGHAM TOWNSHIP

07-Oct-19

Check No	Check Date	Vendor No	Vendor Name	Check Amount
TRUMARK GENERAL FUND				
20069	10/7/2019	11	21ST CENTURY MEDIA - PHILLY	\$179.86
20070	10/7/2019	776	ALCOPRO	\$120.15
20071	10/7/2019	80	AQUA PENNSYLVANIA	\$2,476.53
20072	10/7/2019	366	BUCKLEY, BRION, MCGUIRE ATTY	\$2,531.75
20073	10/7/2019	873	CARDMEMBER SERVICE	\$304.38
VOID 20074	10/7/2019	617	CHESTER WATER AUTHORITY	\$718.74
20075	10/7/2019	1002121	CLEVENS K-9 SCOOP LLC	\$190.00
20076	10/7/2019	1001902	COMCAST CABLE	\$106.85
20077	10/7/2019	909	CONCORD TOWNSHIP VFRA	\$30,321.44
20078	10/7/2019	775	CONVENIENT CAR CARE CORPO	\$359.40
20079	10/7/2019	2	FREEDOM SYSTEMS	\$448.00
20080	10/7/2019	1002182	GALE M FITZPATRICK	\$175.00
20081	10/7/2019	46	GALLS, LLC	\$305.87
20082	10/7/2019	422	HARRY TILLMAN AUTOMOTIVE L	\$636.95
20083	10/7/2019	1002052	JENNIFER A BOORSE	\$600.00
20084	10/7/2019	1001755	MAJIC LANDSCAPES	\$2,024.00
20085	10/7/2019	29	PECO ENERGY	\$267.84
20086	10/7/2019	30	PECO ENERGY (TRAFFIC LIGHT)	\$12.74
20087	10/7/2019	213	PIRMA	\$28,359.00
20088	10/7/2019	64	PMRS (UNIFORM)	\$4,134.18
20089	10/7/2019	171	REILLY & SONS INC.	\$553.51
20090	10/7/2019	811	S & S CLEANING SERVICE	\$388.00
20091	10/7/2019	96	U.S. IDENTIFICATION MANUAL	\$82.50
20092	10/7/2019	278	UNRUH, TURNER, BURKE & FRE	\$5,940.12
20093	10/7/2019	23	VANDEMARK & LYNCH, INC.	\$5,411.97
20094	10/7/2019	61	VERIZON 753-804-167-0001-77	\$128.95
20095	10/7/2019	214	WEST CHESTER FIREMENS RELI	\$15,160.72
Bank Totals:				\$101,938.45
Total Of Checks:				\$101,938.45
				718.74
				<u>101,219.71</u>

Check Register

BIRMINGHAM TOWNSHIP

07-Oct-19

Check No	Check Date	Vendor No	Vendor Name	Check Amount
TRUMARK GENERAL FUND				
20096	10/7/2019	617	CHESTER WATER AUTHORITY	\$653.40
Bank Totals:				\$653.40
Total Of Checks:				\$653.40

Check Register**BIRMINGHAM TOWNSHIP**

07-Oct-19

Check No	Check Date	Vendor No	Vendor Name	Check Amount
TRUMARK SEWER FUND				
9901	10/7/2019	1002509	AQUA PA WW	\$1,225.62
9902	10/7/2019	80	AQUA PENNSYLVANIA	\$1,571.27
9903	10/7/2019	366	BUCKLEY,BRION,MCGUIRE ATTY	\$782.30
9904	10/7/2019	1001859	COYNE CHEMICAL	\$3,368.25
9905	10/7/2019	1001755	MAJIC LANDSCAPES	\$585.00
9906	10/7/2019	29	PECO ENERGY	\$2,325.36
9907	10/7/2019	1002527	REYBOLD CONSTRUCT TECH, LL	\$44,537.00
9908	10/7/2019	1002493	VERIZON 350-442-985-0001-57	\$40.49
9909	10/7/2019	574	WASTE MANAGEMENT OF SOUT	\$77.51
9910	10/7/2019	1001834	WM P MCGOVERN INC	\$423.00
Bank Totals:				\$54,935.80
Total Of Checks:				\$54,935.80